

REMARKS

Claims 1 and 4-21, as amended, remain herein. Claims 9 and 10 have been amended for clarity. New claims 20 and 21 have been added. Support for the new claims may be found throughout the specification (see, e.g., page 18, lines 21-30; and Example 5 at page 31, lines 28-29 of the specification).

Applicants thank the Examiner for the telephonic interview conducted on October 8, 2008. During the Interview, applicants' representative discussed the arguments made in the Advisory Action of October 6, 2008. The arguments made during the interview are included in the remarks below herein.

Applicants' claim 1 recites an apparatus for applying ultrasonic vibration to a resin material which applies the ultrasonic vibration to the resin material in a molten state, the apparatus comprising a vibrator which applies ultrasonic vibration to a resin material, or a vibration transmission member which transmits vibration of the vibrator to a resin material, wherein the vibrator or the vibration transmission member has high adhesive properties to the resin material.

The Advisory Action argued that: (1) the titanium ultrasonic horn disclosed in Archer U.S. Patent 6,656,541 inherently exhibits high adhesive properties; and that (2) applicants do not claim a resin containing a carboxylic anhydride.

Although applicants' claim 1 does not recite a specific resin containing carboxylic anhydride, it includes a functional limitation requiring the vibrator or the vibration transmission

member to have high adhesive properties to the resin material. Such functional limitation is not inherently present in titanium ultrasonic horns. As explained in applicants' Request for Reconsideration filed July 30, 2008, titanium does not have high adhesive properties to any resin material:

Therefore, a material of the horn 32 having good adhesive properties to the resin material in a molten state is selected as long as the material has a necessary durability against the ultrasonic vibration, and a transmission loss of vibration is small. **When the resin material contains carboxylic anhydride or a resin modified by the anhydride,** examples of the horn material having good adhesive properties may include duralumin, titanium, stainless steel, steel materials such as carbon steel and alloy steel, soft iron and the like.

Specification, page 18, lines 21-30 (emphasis added here). Thus, titanium alone is not sufficient to obtain high adhesive properties to the resin material. The Advisory Action did not provide a basis for its assertion that titanium inherently possesses high adhesive properties to any resin material. MPEP § 2112(IV) requires the PTO Examiner to state a rationale or cite evidence tending to show inherency. The fact that a certain result or characteristic may occur or be present in the prior art is not sufficient to establish inherency of that result or characteristic. See In re Rijckaert, 9 F.3d 1531, 1534 (Fed. Cir. 1993); MPEP § 2112(IV).

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Accordingly, this application is now fully in condition for allowance and a notice to that effect is respectfully requested. The PTO is hereby authorized to charge/credit any fee deficiencies or overpayments to Deposit Account No. 19-4293 (Order No. 28955.1062). If further amendments would place this application in even better condition for issue, the Examiner is invited to call applicants' undersigned attorney at the number listed below.

Respectfully submitted,

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